THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.21248 OF 2005

Dated 29th September 2005

Between:

T.Venkateswarlu S/o.Rattaiah.

…Petitioner

And

The Commissioner, Ongole Municipality, Ongole.

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO. 21248 OF 2005

O R D E R:

The petitioner claims that he is running a pan bunk in Ongole town, by the side of the trunk road, for the last 30 years. His grievance is that the respondent is trying to remove it, alleging that it is causing inconvenience to the traffic. Petitioner places reliance upon the policy of the Government to enumerate the street vendors, to provide necessary relief to them.

Learned counsel for the petitioner submits that when the policy of the State and Central Governments is to rehabilitate the street vendors and to regulate their business, there is absolutely no justification, on the part of the respondent, in trying to evict the petitioner from the existing place.

Learned Standing Counsel for the respondent, on the other hand, submits that steps are taken to relieve the traffic congestion, in the town, and that no exception can be taken to it.

Basically, the roads, particularly National Highways, are to be maintained in such a way, as not to cause any traffic congestion. It is true that the street vendors, who have established their small business undertakings by the side of the roads, cannot be denied of their source of livelihood. However, they must be regulated in such a manner, as not to result in any traffic congestion. No individual can have any vested right in the road margins. Learned counsel for the petitioner submits that the bunk of the petitioner is outside the road margin, and it is not causing any obstruction.

The writ petition is, therefore, disposed of, directing that the respondent shall not interfere with the running of the bunk by the petitioner, as long as it does not cause any hindrance to the traffic, on the road. If it is found that the bunk of the petitioner is either within the road margin, or is causing any traffic congestion, the respondent shall ensure that it is pushed to such an extent, as not to result in any such problem, or is shifted to some other convenient place. There shall be no order as to costs.

29th September 2005

PAN